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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

MEMC ELECTRONIC MATERIALS, INC.,	)	Case No.: C 01-4925 SBA (JCS)
	)	Related w/Case No. C 05-02133 SBA (JCS)
Plaintiff,	)	
	)	<b>MISCELLANEOUS ADMINISTRATIVE</b>
vs.	)	<b>REQUEST TO FILE EXHIBIT 10 OF</b>
	)	<b>DECLARATION OF MATTHEW T.</b>
MITSUBISHI MATERIALS SILICON	)	<b>POWERS IN SUPPORT OF</b>
CORPORATION, a corporation of Japan;	)	<b>DEFENDANTS' REPLY BRIEF IN</b>
MITSUBISHI SILICON AMERICA	)	<b>SUPPORT OF MOTION FOR SUMMARY</b>
CORPORATION, a California corporation;	)	<b>JUDGMENT OF ZERO DAMAGES</b>
SUMITOMO MITSUBISHI SILICON	)	<b>BECAUSE OF NO INDUCEMENT UNDER</b>
CORPORATION, aka SUMCO, a corporation	)	<b>35 U.S.C. §271(b) UNDER SEAL</b>
of Japan; SUMCO USA CORPORATION, aka	)	<b>PURSUANT TO LOCAL RULE 79-5 (d)</b>
SUMCO USA, a Delaware Corporation; and	)	<b>AND 7-11; AND ORDER</b>
SUMCO USA SALES CORPORATION, aka	)	
SUMCO USA SALES, a Delaware corporation,	)	Date: January 10, 2005
	)	Time: 1:00 p.m.
Defendants.	)	Courtroom 3, 3rd Floor
	)	Honorable Sandra Brown Armstrong

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MISCELLANEOUS ADMINISTRATIVE REQUEST TO FILE EXHIBIT 10 OF DECLARATION OF MATTHEW T. POWERS IN SUPPORT OF DEFENDANTS' REPLY BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF ZERO DAMAGES UNDER SEAL AND [PROPOSED] ORDER - CASE NO. C 01-4925 SBA (JCS), RELATED W/CASE NO. C 01-02133 SBA (JCS)

Defendants, through their counsel, hereby request the Court to file under seal Exhibit 10 of the Declaration of Matthew T. Powers in Support of Defendants' Reply Brief in Support of Defendants' Motion For Summary Judgment of Zero Damages Because of No Inducement Under 35 U.S.C. § 271(b). Exhibit 10 consists of a deposition transcript taken on November 3, 2005 (yesterday) of I.S. Kim, an employee of Samsung Austin, a third party. Counsel for Samsung designated the transcript "Confidential" under the Protective Order in effect in this case. It is necessary and appropriate to file this Exhibit under seal in that the exhibit has been designated by a third party (Samsung Austin) "Confidential" under the Protective Order in effect in this case. Defendants request that Exhibit 10 be filed under seal and submit the attached proposed order granting that requested relief.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 13, 2005

Respectfully submitted,

By: /s/

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Edward V. Anderson  
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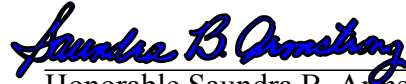
Attorneys for Defendants

**[PROPOSED] ORDER**

Good cause appearing therefor, the Court ORDERS that Exhibit 10 to the Declaration of Matthew T. Powers in Support of Defendants' Reply Brief in Support of Its Motion for Summary Judgment of Zero Damages Because of No Inducement Under 35 U.S.C. §271(b) shall be filed under seal.

IT IS SO ORDERED.

Dated: 12/19/05

  
Honorable Sandra B. Armstrong  
United States District Judge

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